

Sec. 19-28. Permit for Street Solicitation.

The prohibition on soliciting from a vehicle on a public road set forth in Section 19-4(b), above, does not apply to a charitable organization, and its authorized solicitors, which has applied for and been issued a permit under this section and which is in compliance with all other provisions of this Chapter. In order to solicit contributions while standing in a public road, a charitable organization must comply with the following requirements:

1. Not less than thirty (30) days prior to the date desired for beginning solicitation, the charitable organization shall submit a complete application to the Clerk of the Board of Supervisors for a charitable solicitation permit. In addition to the information required by Sec. 19-22, the form shall require the charitable organization to provide its full name, the name, address and phone number of a local point of contact for the organization, the desired date(s), time(s) and specific location(s) for soliciting which shall be limited to not more than six (6) intersections with a traffic control signal light, the name, mailing address and phone number of each individual who will be engaged in solicitation activities on behalf of such charitable organization. Further the charitable organization shall provide an agreement or document whereby such organization shall indemnify the County, its officers, employees and agents, and hold the County, its officers, employees and agents, harmless from any and all claims, suits, demands, damages and attorney fees arising out of or related to the acts or omissions of individuals or entities soliciting for such organization. The charitable organization shall have an ongoing obligation to update or correct any information submitted

in its application for a solicitation permit so as to maintain all information in the County's possession as accurate. The County may require such additional or supplemental information as may be reasonably necessary to facilitate the direct enforcement of this section and the purposes of this Chapter.

2. When submitting a completed application to the County, the charitable organization shall also submit the following:

(a) Written proof of general commercial liability and property damage insurance coverage issued by a company authorized to conduct business in the Commonwealth of Virginia in the amount of not less than \$1,000,000 per occurrence that insures the organization and all individuals and entities who may be soliciting on its behalf. The proof of insurance shall include the Board of Supervisors of Roanoke County, Virginia, as an additional insured and must specify that the insurance is primary over any insurance which the County may carry or any provisions for self insurance by the County.

(b) An application permit fee in the amount of \$10.00 shall be payable at the time the application is submitted. This fee shall be used to defray the County's cost of processing the application and for insuring compliance with the conditions of any permit issued through monitoring of the public roads. An applicant will be notified in writing of the approval or denial of their request within fifteen (15) days after the County's receipt of a completed application. Within

the County's discretion, a portion of this fee may be refunded in the event a permit is denied.

(c) Written proof that the applicant organization is a charitable organization which has obtained qualification from the Internal Revenue Service as a Section 501c(3) entity under the Internal Revenue Code.

(d) A safety plan which shall describe the measures which the organization will implement during any solicitation period to insure the safety of those participating in its solicitation activities and of drivers and occupants of motor vehicles at intersections where solicitations are permitted.

(e) A copy of a permit issued by the Virginia Department of Transportation (VDOT) for use or occupancy of the public right-of-way at intersections at which solicitations will be conducted during the term of the County's permit.

3. Additional solicitation activity restrictions shall include the following:
 - (a) No more than one permit may be issued to an organization during each calendar year. Permits shall be valid for a period of ninety (90) days from the date of their issuance;
 - (b) Solicitation upon a public road in the County pursuant to a permit shall be authorized for no more than four (4) consecutive calendar days, and shall be limited to the period from 9:00 a.m.

until one half hour prior to sunset, at the approved location(s) specified in the application and permit;.

(c) Each individual solicitor shall have in his or her possession some form of official identification with a photograph, such as a driver's license and shall wear a high-visibility, reflective safety vest over their clothing at all times;

(d) A copy of the organization's solicitation permit shall be maintained at each approved solicitation location;

(e) All solicitors must be at least eighteen (18) years of age or older; and,

(f) No solicitor may impede traffic at any time; touching a vehicle or reaching inside a vehicle without the consent of the occupants of the vehicle shall be considered as impeding traffic;

4. Additional conditions for consideration of and issuance of permits:

(a) In addition to the provisions of Sec. 19-24, an application for a solicitation permit under this section may be denied or revoked, in whole or in part, for the following reasons:

(i) A solicitation permit has been issued to a charitable organization, and is currently in force, for one or more of the intersections at which the applicant seeks permission to solicit;

(ii) In the opinion of the Chief of Police or his designee, approval of the solicitation permit at one or more of the

requested intersections is determined to create a reasonable potential for injury to solicitors, other pedestrians or vehicle occupants or an unreasonable potential for disruption to normal traffic flow;

(iii) The applicant has made a false or materially misleading statement on the application form or in any response to information requested on behalf of the County; and

(iv) A material violation of the solicitation permit granted under this Section or any action by the organization or any individual solicitor acting in its behalf which creates a clear and immediate danger to public safety.

(b) Issuance of any permit under this section shall not represent an endorsement by the County of any charitable organization that the permittee may represent nor any indication of supervision of or control over the proceeds raised by the organization's charitable solicitations.

5. That this ordinance shall be in full force and effect ***on and after March 1, 2005. This ordinance shall be effective until February 28, 2006.***